IN THE

Supreme Court of the United States

OCTOBER TERM, 1979

Supreme Court, U. S.
FILED
JAN 8 1980
MICHAEL RODAK, JR., CLERK

No. 79-1035

NEW YORK SHIPPING ASSOCIATION, INC., *et al.*, *Petitioners,*

v.

NATIONAL LABOR RELATIONS BOARD, *et al.*, *Respondents.*

No. 79-1036

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, *Petitioner,*

v.

NATIONAL LABOR RELATIONS BOARD, *et al.*, *Respondents.*

No. 79- 79-1082

NATIONAL LABOR RELATIONS BOARD, *Petitioner,*

v.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO, *et al.*, *Respondents.*

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR NEW YORK SHIPPING ASSOCIATION, INC. AND COUNCIL OF NORTH ATLANTIC SHIPPING ASSOCIATIONS

(Petitioners in No. 79-1035 and Respondents in No. 79-)

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This brief is filed by New York Shipping Association, Inc. ("NYSA") and Council of North Atlantic Shipping

Associations ("CONASA"), pursuant to Rule 24 of the Rules of this Court, to advise the Court that they support the petitions filed by the International Longshoremen's Association, AFL-CIO ("ILA") in No. 79-1036 and by the Solicitor General on behalf of the National Labor Relations Board in No. 79- .

Although NYSA and CONASA do not endorse the factual statements and legal arguments contained in the Solicitor General's petition, they do agree, for the reasons advocated in their petition in No. 79-1035, that review of the decision of the District of Columbia Circuit in this case is warranted. Review will enable this Court (1) to adjudicate the exceptional questions of national importance involving the doctrine of work preservation; and, (2) to reconcile the disruptive intercircuit conflict that now prevails on the question of the legality of the collectively bargained Rules on Containers under federal labor law.

Contrary to the contention of the Solicitor General, however, NYSA and CONASA respectfully submit that the decision of the District of Columbia Circuit in this case is eminently sound, and should be upheld.

NYSA and CONASA concur in the Solicitor General's appraisal that, unless the uncertainty and confusion created by the discord in the circuits is speedily resolved, there is grave danger that the forthcoming 1980 negotiations for a new labor contract in the longshore industry on the Atlantic and Gulf Coasts "will, as they have in the past, result in industrial strife over the containerization question." It is thus within the national interest that the Court entertain review of this case.

CONCLUSION

For the foregoing reasons, the petitions for writs of certiorari should be granted.

Dated: New York, New York
January 7, 1980

Respectfully submitted,

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